Remarks

The Office Action mailed November 10, 2004 has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 1-26 are pending in this application. Claims 1-26 stand rejected.

In accordance with 37 C.F.R. 1.136(a), a one month extension of time is submitted herewith to extend the due date of the response to the Office Action dated November 10, 2004, for the above-identified patent application from February 10, 2005, through and including March 10, 2005. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of $120.00 to cover this extension of time request also is submitted herewith.

The rejection of Claim 1 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Applicant has amended Claim 1. Applicant respectfully submits that Claim 1 satisfies the requirements of Section 112, second paragraph. For the reasons set forth above, Applicant respectfully requests that the rejection of Claim 1 under Section 112, second paragraph, be withdrawn.

The rejection of Claims 15-26 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action asserts at page 3 that Claim 15 recites "A method for producing multi-year forecasts for products produced in a manufacturing business using an integrated marketing-production-finance system..." and since "no computer hardware or software embodied on a tangible medium are in the body of the claim, claim 15 and all claims that depend from it are therefore non-statutory." Applicant respectfully traverses this assertion. More specifically, Applicant submits that the claims of the present patent application are directed to practical applications in the technological arts. "Any sequence of operational steps can constitute a process within the meaning of the Patent Act so long as it is part of the technological arts." *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970). For example, independent Claim 15 is directed to a

computer implemented method for producing multi-year forecasts for products produced in a manufacturing business using an integrated marketing-production-finance computer system, wherein the computer is configured with a plurality of spreadsheets. Applicant submits that producing multi-year forecasts for products produced in a manufacturing business is a useful process that is considered to be within "the technological arts".

One specific example of such a method implementation is a computer with a processor programmed to at least one of upload data relating to the business, store the data within a database, analyze the marketing forecast based on production data, product data and cost data, output a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, determine whether the production schedule includes periods of at least one of over production capacity and under production capacity, adjust the production schedule to account for the periods of at least one of over production capacity and under production capacity, calculate a revenue for the business based on the adjusted production schedule, pricing data, and cost data, and automatically populate the plurality of spreadsheets to display at least the marketing forecast, the adjusted production schedule, a cost of goods sold per unit, and the revenue for the business. While the claims are not limited to the specific examples related to a computer with a programmed processor, the claims need not be so restricted to satisfy the requirement of Section 101.

Applicant further traverses the assertion included in the Office Action that Claim 15 is directed to non-statutory subject matter under Section 101 in light of the "Examination Guidelines for Computer-Related Inventions". The Examination Guidelines for Computer-Related Inventions provides in relevant part as follows:

> In order to determine whether the claim is limited to a practical application of an abstract idea, Office personnel must analyze the claim as a whole, in light of the specification, to understand what subject matter is being manipulated and how it is being manipulated. During this procedure, Office personnel must evaluate any statements of intended use or field of use, any data gathering step and any post-manipulation activity....Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under § 101.

Further, when such a rejection is made, Office personnel must expressly state how the language of the claims has been interpreted to support the rejection.

Applicant respectfully submits that Claim 15 is limited to a practical application in the technological arts. Furthermore, Applicant respectfully submits that the Office Action does not expressly state how the language of Claim 15 supports the Section 101 rejection.

Claim 15 is a method directed to "producing multi-year forecasts for products produced in a manufacturing business". Thus, Applicant submits that Claim 15 is directed to a useful process that is considered to be within "the technological arts". Furthermore, Claim 15 recites a "computer implemented method for producing multi-year forecasts for products produced in a manufacturing business using an integrated marketing-production-finance computer system, the computer configured with a plurality of spreadsheets". The method includes "uploading to the computer data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time...storing the data within a database coupled to the computer...analyzing using the computer the marketing forecast based on the production data, the product data and the cost data...and automatically populating the plurality of spreadsheets to display at least the marketing forecast, the adjusted production schedule, a cost of goods sold per unit, and the revenue for the business." Thus, Claim 15 uses a computer system including a database to perform certain steps of the process. Claim 15 is therefore directed to a practical application in the technological arts.

Claims 16-26 depend, directly or indirectly, from independent Claim 15. For the same reasons that Claim 15 satisfies Section 101, Claims 16-26 also satisfy Section 101.

For at least the reasons set forth above, Applicant respectfully requests that the Section 101 rejection of Claims 15-26 be withdrawn.

The rejection of Claims 1-10, 12, 13, 15-24 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Erwin et al. (U.S. Patent No. 6,249,770) ("Erwin") in view of Ando (U.S. Patent No. 6,032,125) is respectfully traversed.

Applicant respectfully submits that neither Erwin nor Ando, considered alone or in combination, describe or suggest the claimed invention. As discussed below, at least one of the differences between the cited references and the present invention is that neither Erwin nor Ando, alone or in combination, describe or suggest a multi-year integrated marketing, production and financial system for use in a manufacturing business that includes a server configured with a plurality of spreadsheets to integrate a multi-year market forecast for all products produced by the business, and configured to receive data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time.

Moreover, Applicant respectfully submits that neither Erwin nor Ando, considered alone or in combination, describe or suggest a server configured to analyze the marketing forecast based on the production data, the product data and the cost data, output a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, and determine whether the production schedule includes periods of at least one of over production capacity and under production capacity.

Furthermore, neither Erwin nor Ando, considered alone or in combination, describe or suggest a server configured to adjust the production schedule to account for the periods of at least one of over production capacity and under production capacity, and calculate a revenue for the business based on the adjusted production schedule, pricing data, and cost data.

Additionally, neither Erwin nor Ando, considered alone or in combination, describe or suggest a server configured to automatically populate the plurality of spreadsheets to display at least the marketing forecast, the adjusted production schedule, a cost of goods sold per unit, and the revenue for the business.

Erwin describes a method and system for financial spreading and forecasting that includes a computerized system for automatically spreading and analyzing historical financial statements and generating financial forecasts. The system receives and stores information about a company, forecast parameters, including, for example, inflation adjustments, exchange rates,

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last historic year, and historical account data for the company, and automatically generates financial forecasts for the company. Information can be imported to the system and exported from the system, for example, over a network.

Ando describes a method and a system for forecasting demand for a product based on historical sales results of the product. A plurality of models are used to forecast demand for a product. One model forecasts the demand based on data of the past several months. A second model forecasts the demand based on data of the same period of the previous year. A third model forecasts the demand based on both the recent data and data of the same period of the previous year. Results from each of the models are stored on a network and forecasting result patterns are obtained using the results. Specifically, the process of obtaining the forecasting results pattern includes sequentially reviewing the forecast result files for the past 18 weeks, comparing the forecasting value obtained by demand forecasting conducted every week with the actual sales results value for the same week period, and then extracting the pattern outputting the forecasting value closest to the actual sales results value to obtain that pattern as the pattern of a comparison division. As a result of the comparison between the forecasting values for 18 weeks and the actual sales results values, the number of times the appearance of a pattern in the demand forecasting is tabulated, and the most frequently appeared pattern in the forecasting in the past 18 weeks is picked up as the present using pattern of the future 18 weeks. As such, future demand of a product is forecasted using a forecasting pattern. Additionally, the forecasting pattern is constantly updated by comparing the forecasted values of an 18 week period to the actual sales results of the same 18 week period.

Claim 1 recites a multi-year integrated marketing, production and financial system for use in a manufacturing business, wherein the system includes "at least one computer...a server configured with a plurality of spreadsheets to integrate a multi-year market forecast for all products produced by the business, the server further configured to...receive from the at least one computer data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time...analyze the marketing forecast based on the production data, the

product data and the cost data...output a production schedule and a cost of goods sold per unit based on the marketing forecast analysis...determine whether the production schedule includes periods of at least one of over production capacity and under production capacity...adjust the production schedule to account for the periods of at least one of over production capacity and under production capacity...calculate a revenue for the business based on the adjusted production schedule, pricing data, and cost data...and automatically populate the plurality of spreadsheets to display at least the marketing forecast, the adjusted production schedule, a cost of goods sold per unit, and the revenue for the business...and a network interconnecting said server to said computers."

Neither Erwin nor Ando, considered alone or in combination, describe or suggest the system recited in Claim 1. More specifically, neither Erwin nor Ando, considered alone or in combination, describe or suggest a multi-year integrated marketing, production and financial system for use in a manufacturing business that includes a server configured with a plurality of spreadsheets to integrate a multi-year market forecast for all products produced by the business, and further configured to receive data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time.

Moreover, neither Erwin nor Ando, considered alone or in combination, describe or suggest a server configured to analyze the marketing forecast based on the production data, the product data and the cost data, output a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, and determine whether the production schedule includes periods of at least one of over production capacity and under production capacity.

Furthermore, neither Erwin nor Ando, considered alone or in combination, describe or suggest a server configured to adjust the production schedule to account for the periods of at least one of over production capacity and under production capacity, and calculate a revenue for the business based on the adjusted production schedule, pricing data, and cost data.

Additionally, neither Erwin nor Ando, considered alone or in combination, describe or suggest a server configured to automatically populate the plurality of spreadsheets to display at least the marketing forecast, the adjusted production schedule, a cost of goods sold per unit, and the revenue for the business.

Rather, Erwin describes a system for financial spreading and forecasting that includes a computerized system for automatically spreading and analyzing historical financial statements and generating financial forecasts; and Ando describes a system for forecasting demand for a product based on historical sales results of the product, wherein a plurality of models are used to forecast demand using a forecasting pattern that is updated by comparing the forecasted values of a period to the actual sales results of the same period.

Although Erwin describes a computerized system for spreading and analyzing historical financial statements and generating financial forecasts, Erwin does not describe or suggest a server configured to analyze a marketing forecast based on production data, product data and cost data, output a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, and determine whether the production schedule includes periods of at least one of over production capacity and under production capacity. Rather, Erwin merely describes financial spreading and forecasting based on historical financial statements and generating financial forecasts. The forecast parameters used in Erwin include, for example, inflation adjustments, exchange rates, last historic year, and historical account data for the company, and is not based on production data, product data and cost data. Moreover, Erwin does not describe, teach or even suggest outputting a production schedule, and determining whether the production schedule includes periods of at least one of over production capacity and under production capacity. In fact, Erwin makes no mention of a production schedule.

Accordingly, Erwin also does not describe or suggest a server configured to adjust a production schedule to account for the periods of at least one of over production capacity and under production capacity, and calculate a revenue for the business based on the adjusted production schedule, pricing data, and cost data. Rather, the forecast parameters described in

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Erwin include, for example, inflation adjustments, exchange rates, last historic year, and historical account data for the company.

Furthermore, Erwin does not describe or suggest a server configured to automatically populate the plurality of spreadsheets to display at least the marketing forecast, the adjusted production schedule, a cost of goods sold per unit, and the revenue for the business.

With respect to Ando, although Ando describes a system for forecasting demand for a product based on historical sales results of the product, Ando does not describe or suggest a server configured to analyze a marketing forecast based on production data, product data and cost data, output a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, and determine whether the production schedule includes periods of at least one of over production capacity and under production capacity. Rather, Ando merely describes using a plurality of models to forecast demand using a forecasting pattern that is updated by comparing the forecasted values of a period to the actual sales results of the same period. Notably, Ando uses sales data to forecast demand and does not describe or suggest using production data, product data and cost data for forecasting purposes. Moreover, Ando does not describe or even suggest a server configured to output a production schedule and a cost of goods sold, or a server configured to determine whether the production schedule includes periods of at least one of over production capacity and under production capacity.

Moreover, Ando does not describe or suggest a server configured to adjust the production schedule to account for the periods of at least one of over production capacity and under production capacity, and calculate a revenue for the business based on the adjusted production schedule, pricing data, and cost data. In fact, Ando merely describes a system for forecasting demand that is adjusted by analyzing patterns based on a comparison between actual sales and predicted sales. Ando does not describe a system that adjusts a production schedule to account for the periods of at least one of over production capacity and under production capacity.

Furthermore, Ando does not describe or suggest a server configured to automatically populate the plurality of spreadsheets to display at least the marketing forecast, the adjusted

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production schedule, a cost of goods sold per unit, and the revenue for the business. Accordingly, Applicant respectfully submits that Claim 1 is patentable over Erwin in view of Ando.

For at least the reasons set forth above, Applicant respectfully submits that Claim 1 is patentable over Erwin in view of Ando.

Claims 2-10, 12, and 13 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-10, 12, and 13 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-10, 12, and 13 likewise are patentable over Erwin in view of Ando.

Claim 15 recites computer implemented method for producing multi-year forecasts for products produced in a manufacturing business using an integrated marketing-production-finance computer system, the computer configured with a plurality of spreadsheets, wherein the method includes the steps of "uploading to the computer data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time...storing the data within a database coupled to the computer...analyzing using the computer the marketing forecast based on the production data, the product data and the cost data...outputting a production schedule and a cost of goods sold per unit based on the marketing forecast analysis...determining whether the production schedule includes periods of at least one of over production capacity and under production capacity...adjusting the production schedule to account for the periods of at least one of over production capacity and under production capacity...calculating a revenue for the business based on the adjusted production schedule, pricing data, and cost data...automatically populating the plurality of spreadsheets to display at least the marketing forecast, the adjusted production schedule, a cost of goods sold per unit, and the revenue for the business."

Neither Erwin nor Ando, considered alone or in combination, describe or suggest the computer implemented method recited in Claim 15. More specifically, neither Erwin nor Ando, considered alone or in combination, describe or suggest a computer implemented method for

producing multi-year forecasts for products produced in a manufacturing business using an integrated marketing-production-finance computer system that includes uploading to the computer data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time.

Moreover, neither Erwin nor Ando, considered alone or in combination, describe or suggest a method that includes analyzing a marketing forecast based on production data, product data and cost data, outputting a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, and determining whether the production schedule includes periods of at least one of over production capacity and under production capacity.

Furthermore, neither Erwin nor Ando, considered alone or in combination, describe or suggest a method that includes adjusting a production schedule to account for periods of at least one of over production capacity and under production capacity, and calculating a revenue for a business based on the adjusted production schedule, pricing data, and cost data.

Additionally, neither Erwin nor Ando, considered alone or in combination, describe or suggest a method that includes automatically populating a plurality of spreadsheets to display at least a marketing forecast, an adjusted production schedule, a cost of goods sold per unit, and a revenue for the business.

Rather, Erwin describes a system for financial spreading and forecasting that includes a computerized system for automatically spreading and analyzing historical financial statements and generating financial forecasts; and Ando describes a system for forecasting demand for a product based on historical sales results of the product, wherein a plurality of models are used to forecast demand using a forecasting pattern that is updated by comparing the forecasted values of a period to the actual sales results of the same period.

Although Erwin describes a method for spreading and analyzing historical financial statements and generating financial forecasts, Erwin does not describe or suggest analyzing a

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marketing forecast based on production data, product data and cost data, outputting a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, and determining whether the production schedule includes periods of at least one of over production capacity and under production capacity. Rather, Erwin merely describes financial spreading and forecasting based on historical financial statements and generating financial forecasts. The forecast parameters used in Erwin include, for example, inflation adjustments, exchange rates, last historic year, and historical account data for the company, and is not based on production data, product data and cost data. Moreover, Erwin neither describes nor suggest outputting a production schedule, and determining whether the production schedule includes periods of at least one of over production capacity and under production capacity.

Further, Erwin does not describe or suggest adjusting a production schedule to account for periods of at least one of over production capacity and under production capacity, and calculating a revenue for a business based on the adjusted production schedule, pricing data, and cost data. Rather, the forecast parameters described in Erwin include, for example, inflation adjustments, exchange rates, last historic year, and historical account data for the company.

Furthermore, Erwin does not describe or suggest automatically populating a plurality of spreadsheets to display at least a marketing forecast, an adjusted production schedule, a cost of goods sold per unit, and a revenue for the business.

With respect to Ando, although Ando describes a method for forecasting demand for a product based on historical sales results of the product, Ando does not describe or suggest a method of analyzing a marketing forecast based on production data, product data and cost data, outputting a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, and determining whether the production schedule includes periods of at least one of over production capacity and under production capacity. Rather, Ando merely describes using a plurality of models to forecast demand using a forecasting pattern that is updated by comparing the forecasted values of a period to the actual sales results of the same period. Notably, Ando uses sales data to forecast demand and does not describe or suggest using

production data, product data and cost data to forecast demand. Moreover, Ando does not describe or even suggest a method of outputting a production schedule based on the marketing forecast analysis, and determining whether the production schedule includes periods of at least one of over production capacity and under production capacity.

Ando also does not describe or suggest a method of adjusting a production schedule to account for periods of at least one of over production capacity and under production capacity, and calculating a revenue for a business based on the adjusted production schedule, pricing data, and cost data. In fact, Ando merely describes a method for forecasting demand that is adjusted by analyzing patterns based on a comparison between actual sales and predicted sales. Ando does not describe a method that adjusts a production schedule to account for the periods of at least one of over production capacity and under production capacity. Accordingly, Applicant respectfully submits that Claim 15 is patentable over Erwin in view of Ando.

For at least the reasons set forth above, Applicant respectfully submits that Claim 15 is patentable over Erwin in view of Ando.

Claims 16-24 and 26 depend, directly or indirectly, from independent Claim 15. When the recitations of Claims 16-24 and 26 are considered in combination with the recitations of Claim 15, Applicant submits that dependent Claims 16-24 and 26 likewise are patentable over Erwin in view of Ando.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 1-10, 12, 13, 15-24 and 26 under 35 U.S.C. § 103(a) be withdrawn.

The rejection of Claims 11, 14, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Erwin in view of Ando, and further in view of Ainsbury et al. (U.S. Patent No. 6,078,924) ("Ainsbury") is respectfully traversed.

Erwin and Ando are described above. Ainsbury describes an information platform which automates the collection of data, provides a method for organizing a library of information and

provides analysis using multiple content-types, thereby providing a user with a market understanding necessary to execute rapid and knowledgeable decision making. The information platform collects and integrates data, observations and intelligence; provides controls for multiple methods of information navigation and analysis; and allows details to be digested in the context of other data, regardless of its type. The information platform is a client/server implementation that is subdivided into four major sections, including: (1) Data Retrieval, which provides a sophisticated catalog for finding internal and external information and collection agents which retrieve specific information without user intervention; (2) Data Classification and Storage which handles the storage of the information once it has been gathered from a source; (3) Information Browsing, Query, Analysis, and Report Creation which provides information browsing, reporting, and analysis tools; and (4) Desktop Integration where the information platform takes information from a wide variety of formats and combines them all into a single format.

Claims 11 and 14 depend from independent Claim 1. Claim 1 recites a multi-year integrated marketing, production and financial system for use in a manufacturing business that includes "at least one computer…a server configured with a plurality of spreadsheets to integrate a multi-year market forecast for all products produced by the business, the server further configured to…receive from the at least one computer data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time…analyze the marketing forecast based on the production data, the product data and the cost data…output a production schedule and a cost of goods sold per unit based on the marketing forecast analysis…determine whether the production schedule includes periods of at least one of over production capacity and under production capacity…adjust the production schedule to account for the periods of at least one of over production capacity and under production capacity…calculate a revenue for the business based on the adjusted production schedule, pricing data, and cost data…and automatically populate the plurality of spreadsheets to display at least the marketing forecast, the

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adjusted production schedule, a cost of goods sold per unit, and the revenue for the business...and a network interconnecting said server to said computers."

None of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest the system recited in Claim 1. More specifically, none of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest a multi-year integrated marketing, production and financial system for use in a manufacturing business that includes a server configured with a plurality of spreadsheets to integrate a multi-year market forecast for all products produced by the business, and further configured to receive data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time.

Moreover, none of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest a server configured to analyze the marketing forecast based on production data, product data and cost data, output a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, and determine whether the production schedule includes periods of at least one of over production capacity and under production capacity.

Furthermore, none of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest a server configured to adjust the production schedule to account for the periods of at least one of over production capacity and under production capacity, and calculate a revenue for the business based on the adjusted production schedule, pricing data, and cost data.

Additionally, none of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest a server configured to automatically populate the plurality of spreadsheets to display at least the marketing forecast, the adjusted production schedule, a cost of goods sold per unit, and the revenue for the business.

Rather, Erwin describes a system for financial spreading and forecasting that includes a computerized system for automatically spreading and analyzing historical financial statements and generating financial forecasts; Ando describes a system for forecasting demand for a product

based on historical sales results of the product, wherein a plurality of models are used to forecast demand using a forecasting pattern that is updated by comparing the forecasted values of a period to the actual sales results of the same period; and Ainsbury describes an information platform which automates the collection of data, provides a method for organizing a library of information and provides analysis using multiple content-types, thereby providing a user with a market understanding necessary to execute rapid and knowledgeable decision making.

For the same reasons set forth above, neither Erwin nor Ando describe or suggest the claimed invention. With respect to Ainsbury, although Ainsbury describes a system which automates the collection of data, provides a method for organizing the library of information and provides analysis using multiple content-types, thereby providing a user with a market understanding necessary to execute rapid and knowledgeable decision making, Ainsbury does not describe or suggest a server configured to analyze the marketing forecast based on the production data, product data and cost data, output a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, or determine whether the production schedule includes periods of at least one of over production capacity and under production capacity. Moreover, Ainsbury does not describe or even suggest a server configured to output a production schedule, or a server configured to determine whether the production schedule includes periods of at least one of over production capacity and under production capacity.

Moreover, Ainsbury does not describe or suggest a server configured to adjust the production schedule to account for the periods of at least one of over production capacity and under production capacity, and calculate a revenue for the business based on the adjusted production schedule, pricing data, and cost data. Accordingly, Applicant respectfully submits that Claim 1 is patentable over Erwin in view of Ando, and further in view of Ainsbury.

When the recitations of Claims 11 and 14 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 11 and 14 likewise are patentable over Erwin in view of Ando, and further in view of Ainsbury.

Claim 25 depends from independent Claim 15. Claim 15 recites computer implemented method for producing multi-year forecasts for products produced in a manufacturing business using an integrated marketing-production-finance computer system that includes the steps of "uploading to the computer data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time...storing the data within a database coupled to the computer...analyzing using the computer the marketing forecast based on the production data, the product data and the cost data...outputting a production schedule and a cost of goods sold per unit based on the marketing forecast analysis...determining whether the production schedule includes periods of at least one of over production capacity and under production capacity...adjusting the production schedule to account for the periods of at least one of over production capacity and under production capacity...calculating a revenue for the business based on the adjusted production schedule, pricing data, and cost data...automatically populating the plurality of spreadsheets to display at least the marketing forecast, the adjusted production schedule, a cost of goods sold per unit, and the revenue for the business."

None of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest the computer implemented method recited in Claim 15. More specifically, none of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest uploading to the computer data relating to the business including marketing data, production data, product data, pricing data, and cost data, wherein the marketing data includes a marketing forecast for a predetermined period of time.

Moreover, none of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest a method that includes analyzing a marketing forecast based on production data, product data and cost data, outputting a production schedule and a cost of goods sold per unit based on the marketing forecast analysis, and determining whether the production schedule includes periods of at least one of over production capacity and under production capacity.

Furthermore, none of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest a method that includes adjusting a production schedule to account for periods of at least one of over production capacity and under production capacity, and calculating a revenue for a business based on the adjusted production schedule, pricing data, and cost data.

Additionally, none of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest a method that includes automatically populating a plurality of spreadsheets to display at least a marketing forecast, an adjusted production schedule, a cost of goods sold per unit, and a revenue for the business.

Rather, Erwin describes a system for financial spreading and forecasting that includes a computerized system for automatically spreading and analyzing historical financial statements and generating financial forecasts; Ando describes a system for forecasting demand for a product based on historical sales results of the product, wherein a plurality of models are used to forecast demand using a forecasting pattern that is updated by comparing the forecasted values of a period to the actual sales results of the same period; and Ainsbury describes an information platform which automates the collection of data, provides a method for organizing the library of information and provides analysis using multiple content-types, thereby providing a user with a market understanding necessary to execute rapid and knowledgeable decision making. Accordingly, Applicant respectfully submits that Claim 15 is patentable over Erwin in view of Ando, and further in view of Ainsbury.

When the recitations of Claim 25 are considered in combination with the recitations of Claim 15, Applicant submits that dependent Claim 25 likewise is patentable over Erwin in view of Ando, and further in view of Ainsbury.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 11, 14, and 25 under 35 U.S.C. § 103(a) be withdrawn.

In addition to the above arguments, the rejection of Claims 1-10, 12, 13, 15-24 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Erwin in view of Ando, and the rejection of

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Claims 11, 14, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Erwin in view of Ando, and further in view of Ainsbury is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Erwin using the teachings of either Ando or Ainsbury. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.
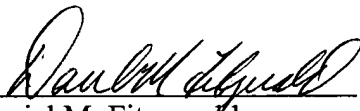
None of Erwin, Ando, or Ainsbury, considered alone or in combination, describe or suggest the claimed combination. Rather, these present Section 103 rejections are based on a combination of teachings selected from multiple references in an attempt to arrive at the claimed invention. Since there is no teaching, suggestion or motivation for the combination of Erwin, Ando, or Ainsbury, this Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present

invention. Of course, such a combination is impermissible, and for this reason alone, Applicant requests that the Section 103 rejection of Claims 1-26 be withdrawn.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 1-26 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing amendments and remarks, all the Claims now active in the application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully Submitted,

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